App F IX 4

Previous References
Rel 76-35-Sl 5072-78

1935
(Rel)

File No 76-35
Serial Nos 79, 80, 81

Letter References
M/65 38 R 5481

GENERAL AND REVENUE SECRETARIAT

Serial Nos Three

Part B for April 38

SUBJECT

Ground rent payable by the Hansa Journal of P W D towards the use of jail compound + road margin for jatra purposes

Sl 81)

To
The D C Hansa
The Comptroller Thro' Sl Sec
The Chief Engineer
No K 8376-8 Dy 18 4 38

WD 0295—GPB—22 500—18 8 37

Advise the reduction of rent from Rs 400/- to Rs 100/-

21 4 38

4561

General and Revenue Secretariat | File No Mul 76 of 193 S— | [App F III—2

Serial No

OFFICE C
O ID MEMBE C COUNCIL
30 MAR 1938
7285

From the Chief Engineer Mysore
No 9056 of 24/3/1938
Requests orders of govt as to the date from which the Hassan Town Mg are required to pay ground rent for the use of part Compound & road margin during the Cattle Show

1) In the Lr of 26-1-1938 the Mcty are has been required to make provision to meet this expenditure every year in the Budget of the municipality. Perhaps they may be required to pay the above charges to the Govt from the year 1938-1939
Food products
Levy 1 1/8)
28/3/38

2/28/3/-

3)

29 3 38
2/29/3/

11 member)

(4) I went into the matter recently at Hassan The Municipal council represented that the levy was unjustified & contrary to manual of Standing Orders The Dy Comm were induced to agree in the year

2) According to para 2 of the S O dated 21st January 1938 it is to be presumed that it is made payable from the year 1938 39
2/28/3/

NOTE—Contn Sheet

WD 0281—GPB—30 000—13 8 37

4561
4678

File No WL 76 of 193 S — General and Revenue Secretariat

OFFICE OF SECOND MEMBER C L
2 APR 1938
No

The erection of shops beyond the road margin can possibly cause no damage to the road while the so called park compound is a belt of open space contiguous to the maidan on which the cattle show has been held for years It does not seem necessary to levy anything more than a nominal rent to recreate that the land is the property of the Municipal Council I would accordingly reduce the rent from Rs 400 to Rs 100 per annum and levy it from 1938-39 S) A draft G O embodying this decision (but without elaborating the reasons) may be put up for consideration

WLL
2/4/38

Jm
2-4-38

2/4/-

Dftsman Hassandoh

Dftsman Subd from the Assistant Commissioner Hassandoh
No C 2870/37 dtd 29 3 38

Requests that for reasons explained, the question of payment of charges ordered in G O dtd 21 1 38 may be waived

Dftsman Subd as per orders at para 5 Supra

Jm 4/4/38

1) Please put up typed copy of the draft G O for approval

2
4/4/-

4678

Ground rent-payable by Muslims
Harassment &c to Hindus

General and Revenue Secretariat | File No ML 76 of 1935 | [App F III—2

Serial No

7) Typed opn - to be sent for consideration
Rec 5/4/38 Secy L S G) 2/5/41-

SECY LOCAL SELF GOVT
6 APR 1938
GOVT OF MYSORE

8) The claim of adverse possession by the Municipal Council against the tenants cannot be admitted unless ascertained the period of such possession is long, and until-taken legal opinion

OFFICE OF THE
COUNCIL OF MINISTERS
- 6 APR 1938
No 7462

9) Draft as in consideration with reference to Secretary's memo

Secy
6/4/38
2/6/41

II Member)

ML
8/4/38

Secy
9/4/38
2nd
9/4/41-

Typed opn - has not been considered
Draft - Yours Secy
For perusal
8/4
II Secy)

Secy
14/4/38

Issue
Secy
16/4/38

Issued
To Messrs Hassan
Metropolitan
Mech Engineers
MS 8376-8 dt 18/4/38

Note—Contn Sheet

21/4

Does this deduction differ from No 4001 to No 4004

VPD 0284—GPR—30,000—13-3

File No of 193

General and Revenue Secretariat

4581

No 9056
Fncls

MYSORE PUBLIC WORKS DEPARTMENT
CENTRAL OFFICE B

Dated Bangalore 24 3 1938

Jul-76 35-79

SECY LOCAL SELF GO
FROM
25 JAN 1938
GOVT OF MYSORE

The Chief Engineer of Mysore
BANGALORE

To

The Secretary to the Government of Mysore,
Local-Self Government Department Bangalore

Subject - Ground rent payable by the Hassan Town Municipal Council to Public Works Department towards the use of Jail ----- compound and road margin for Jatra purposes

Sir

With reference to G O No L 6310-12/M1 76-35-78 dated the 21st January 1938 directing that a sum of Rs 100/- be paid annually by the Hassan Town Municipal Council to the Public Works Department as ground rent for the use of the Jail compound and another sum of Rs 300/- for the use of the road margin for the Cattle Show purposes at Hassan I have the honour to request you to be so good as to --- intimate the year from which the claim of Rs 400/- has to be - - - preferred by the Public Works Department as it is not specifically stated in the Government Order

I have the honour to be
Sir
Your most obedient servant

N Lakshmanarao
For Chief Engineer of Mysore

Bun 23/3

VS-3

T R S

4678

No C 2870/37-38

OFFICE OF THE DEPUTY COMMISSIONER
HASSAN DISTRICT

Dated Hassan the 29th March *1938*

Rev 76 352 80

From

The Deputy Commissioner Hassan District

To

The Secretary to Government, Local Self Government Department, Bangalore

Sir

In forwarding herewith, in original, report No H C 27-37 dated the 29th March 1938, with its enclosures, received from the President, Hassan Town Municipal Council re the payment of contribution to the Public Works Department for the occupation of the margins of the Bangalore-Mangalore Road and the Jail Compound in connection with the annual Cattle Show at Hassan I have the honour to state as follows -

2 Government have, in their order No L 6310-12/M1 36-35-78 dated 21st January 1938, directed the repayment by the Municipal Council, of a sum of Rs 400/- annually to the Public Works Department, for the occupation of the places referred to above, in connection with the Cattle Show

3 The Municipal Council before whom the above order was placed, resolved at their meeting, held on 28th March 1938, that for the reasons stated therein, the Public Works Department has no claims to the contribution in question The President has, in submitting a copy of the above resolution, requested that the order in question might be reconsidered

4 Apart from the question of adverse possession referred to in the resolutions and the President's report, which has not been investigated, it may be stated that the contribution has been ordered to be paid on the ground that the Public Works Department has to repair the margins of the roads after the Cattle Show It is seen from the President s letter that the Municipal Council are taking care to leave sufficient margin at the time of the Cattle Show The shops are allowed to be

to be put up away from the road and adequate space is left for the passage of traffic The Cattle Show will be held only for about a week or so The Municipal Council will get the pits etc , dug up in the margin, filled up after the Cattle Show is over As such, the Public Works Department is not required to repair the margins of the road The Municipal Council are reported to be disposing of the produce of the trees in the Jail Compound from a long time They have also sunk two drinking water wells in the Jail Compound As such, they are in uninterrupted possession and enjoyment of the Jail Compound for a long period

5 In view of the above circumstances, I am of opinion that the Department of Public Works is not right in claiming the contribution referred to above I request you to be so good as to move the Government to kindly reconsider the question and waive the recovery of the contribution I may add that the Municipal Council have got to incur heavy expenditure on account of lighting, water supply, sanitation etc , during the Cattle Show

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Hassan District

pvg

No Hc 27/37-38
Encls Nil

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL
HASSAN

Dated 29th March 1938

From

The President
Town Municipal Council HASSAN

11854
PR 900-37

To

The Deputy Commissioner,
Hassan District, Hassan

Sir

With reference to xxxx Government Order No L 6310-12/Ml 76-35-78 dated 21st January 1938 directing the payment of a contribution of a total sum of Rs.400/- out of the cattle show income to the Department of Public Works every year, I have the honor to state that the matter was discussed in the Municipal meeting on 23-3-1938 and a resolution was passed requesting Government to reconsider and cancel the order under reference Copy of the resolution enclosed

The resolution speaks for itself and it is seen that the Municipal Council have been in adverse position and enjoyment of the lands referred to in the Government order and therefore the claim of the Department of Public Works is barred by time. In this connection I herein enclose copy of letter No 484/1892 dated 27th August 1892 from the Sub Divisional Officer Hassan to the Municipal Overseer, Hassan, seeking to hand over charge of Bangalore Bangalore road to the municipality so long back as 1892 and it is the contention of the Municipal Council that it is in possession and enjoyment of the road (road margin included) ever since But in spite

of the above reference proving the ownership, the Council is always taking particular care to leave adequate road margin during the show so as not to be obstruct any traffic whatsoever Government may kindly be recommended to reconsider the above order in the light of the Municipal Council resolution

I might also submit for information that in a similar Municipal Cattle Show which is being held at Maddur on either side of Mysore-Bangalore road no such levy has been made though it is a more important road

I have the honor to be,

Sir,

Your most obedient servant,

President,
Town Municipal Council
Hassan

VVS

Proceedings of the Ordinary Adjourned Meeting of the Hassan Town Municipal Council, held at 8-30 A.M. on the 28th March 1938 in the Municipal Office

Present	Absent
16 Members	5 Members

1 Read G O No I 6310-12/ 1 76-35-78 dated 21st January 1938 directing payment by the Municipality annually to the P W D a sum of 100/- for using the Jail Compound and a further sum of 300/- for the use of the road margin during the annual Cattle Show

(b) Read also copy of President's note submitted to the Second Member of Council on 23-3-1938

RESOLUTION.- The Council requests the Government to reconsider the Government Order and cancel the Government Order in question for the following among other reasons -

(a) The Jail Compound is included in the Municipal limits as per Government Order No 671/1 341-06-92 dated 21st July 1908 and No L 2618/1104-21-12 dated 19th September 1922 and has been in the possession and enjoyment of the Municipality from a very long time, and more than the statutory period, since the Council is getting the proceeds from sale of grazing rights in the area as also usufruct from Mango trees ever since Also the Council has been spending money year to year to keep the grounds level and clean The Council has excavated two drinking water wells for the use of Cattle Show gathering

(b) The letter dated 27th August 1902 shows that the Council has been in possession and enjoyment of the Bangalore Mangalore road and the road margin from the beginning

(c) Though in possession of the road margin we are leaving sufficient margin completely so that there is no obstruction to traffic (at all

(d) Though the P W D first started with the road margin question, the final G O speaks of jail compound also

(e) If so agreeable the Council is prepared to take over the maintenance of the road within Municipal limits the quota of ~~Taxes etc~~ Government being given to the Municipal funds

(f) By reason of adverse possession and enjoyment for a long time - more than the statutory period - the Municipal Council is the owner of the lands under dispute and the D P W have no right to put up any claim at this distance of time

(g) The G O speaks of damage to the road margin and the repair of the same by the Department of Public Works On the other hand the fact is the Council spends money for keeping it level and clean So this ground is also not a proper one

The Executive Engineer opposes

the r solution

Sd [illegible],
President,
Town Municipal Council,
Hassan

Copy

President
Town Municipal Council,
Hassan

VVSM
29/3/32

Copy of letter No 434/1392 dated 27th August 1892 from the Sub Divisional Officer, Hassan, to the Municipal Overseer, Hassan

Has the honor to request him to be ready at any time tomorrow noon to take charge of the remaining portion of the Bangalore Mangalore road belonging to Hassan Municipality

' True Copy '

President,
Town Municipal Council
Hassan

VVS

Proceedings of the Govt of H H
the Maharaja of Mysore

Read -

G O No 6310-12/M1 76-35-78 dated 21/26th January 1938, directing that a sum of Rs 100/- be paid annually by the Hassan Town Municipal Council to the P W Deptt as ground rent for the use of the Jail compound during the cattle show and another sum of Rs 300/- for the use of the road margin, for jatra purposes

2 Letters Nos 9056 and 2870/37-38 dated 24th March 1938 and 29th arch 1938 from the Chief Engineer of Mysore and the Deputy Commissioner Hassan District respectively on the above subject

---

Order No

Dated Bangalore 5th April 38

On a further consideration of the subject Govt are of opinion that it ~~is not necessary~~ would be sufficient to levy ~~anything more than~~ a nominal rent to indicate that the land in question is the property of Govt and is not vested in the Hassan Town Municipal Council. They are accordingly pleased to direct that the rent payable to the P W Deptt be reduced from Rs 400/- to Rs 100/- per annum and the same be levied from the year 1938-39

Secy to Govt L S G Dept

To

The Deputy Commissioner, Hassan Dist
The Comptroller to Government through Financial Secretariat
The Chief Engineer with the Govt of Mysore

ACH

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

R e a d:-

Government Order No 6310-11/Rl. 76-35-78 dated 21/26th ~~xxxx~~ January 1938, directing that a sum of Rs 100/- be paid annually by the Hassan Town Municipal Council to the Public Works Department as ground rent for the use of the Jail compound during the cattle show and another sum of Rs.300/- for the use of the road margin, for jatra purposes.

2. Letters Nos 6055 and 2670/37-38 dated 24th March 1938 and 29th March 1938 from the Chief Engineer of Mysore and the Deputy Commissioner, Hassan District respectively, on the above subject.

O R D E R NO L 8376-8/Rl 76-35-81

Dated, Bangalore, 19th April 1938.
18

On a further consideration of the subject, Government are of opinion that it would be ~~xxxx~~ sufficient to levy a nominal rent to indicate that the land in question is the property of Government and is not vested in the Hassan Town Municipal Council. They are accordingly pleased to direct in modification of the Government Order dated 26th January 1938 read above that the rent payable to the Public Works Department be reduced from Rs.400/- to Rs.100/- per annum, and the same be levied from the year 1938-39

Sd/- Sayaji Rao
for Secretary to Government.
L. S. G. Department

To

The Deputy Commissioner, Hassan District,
" Comptroller to Government, through Financial Department
" Chief Engineer with the Government of Mysore.